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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/768,373

01/30/2004

Thomas Hezel

66835-0003

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7590

12/10/2008

RADER, FISHMAN & GRAUER PLLC

39533 WOODWARD AVENUE

SUITE 140

BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/768,373

Applicant(s)

HEZEL ET AL.

Examiner

Vicky A. Johnson

Art Unit

3656

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 15, 19, 21, 22, 24-27, 30 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15, 19, 21, 22, 24-27, 30, and 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13, 15, 19, 21, 22, 24-27, 30, and 33-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13, 26, and 33 are indefinite because it is unclear how to interpret the limitation "an arm axis of rotation defined by the arm." Is the applicant referring to the longitudinal axis or an angular axis of the arm? It is unclear how the arm defines the axis of rotation.

Claims 38, 39, and 40 are indefinite because it is unclear if the "a first wrist axis of rotation" is the as the "an arm axis of rotation."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 15, 19, 21, 22, 24-27, 30, and 33-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Susnjara (US 4,378,959), as best understood.

Susnjara discloses a wrist (20) having a first member (96) concentrically attached to the robot along the axial path and rotatably movable with respect to the arm (12) about an arm axis of rotation (see Fig 1), the arm axis of rotation extending along a portion of the axial path (see Fig 11), at least one robot line (unnumbered line connected to plate 105 and 96) positioned along the axial path (see Fig 11), and a bellows (unnumbered, see Fig 11) sealingly connects to the robot arm and positioned along the axial path connected to the line and the robot arm allowing extension or compression of the line along the axial path (see Fig 11), a guide plate (105) positioned along the axial path having at least one hole for passage of the line through the guide plate (see Fig 11), the guide plate having a peripheral surface engaged by the bellows through a retaining ring (on the outer surface of the 105, see Fig 10) positioned around the peripheral surface (see Fig 11), a mounting plate (102), attaching flange (unnumbered surface on the outer surface of the 105, see Fig 11).

Re claims 38-41, the first member defines a first wrist axis of rotation about the arm (see Fig 11), the first member defines a second wrist axis of rotation about a third member secured to the wrist (see Fig 11), and the second wrist axis of rotation intersects the first wrist axis of rotation (the axis of rotation is defined to be the longitudinal axis of the arm).

Re claim 41, the through hole of the mounting plate allows axial displacement of the line through the mounting plate (see Fig 11).

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Susnjara reference fails to meet the limitations of the claims because it fails to show the first member rotatably movable with respect to the arm about an arm axis of rotation defined by the arm. First, it is unclear how the arm defines the axis of rotation. Second, as the applicant states on page 8, the movement of Susnjara is rotational movement. Figure 1 of the Susnjara reference shows an arm 12 having a wrist 20 which rotates with respect to the arm 12. Figure 1 shows that the arm is able to rotate upward, downward left and right with respect to the arm. The applicant argues that the movement of the arm is angularly displaceable, but does not rotate with respect to the arm. It is disagreed. The applicant only defines the axis of rotation as "extending along a portion of the axial path." This limitation could be met by for example, the longitudinal axis. The movement of the wrist of Susnjara is able to rotate with respect to the longitudinal axis of the arm.

It is also argued that the new claims 38-41 are allowable over the prior art of record. It is disagreed. The new claims recite new limitations that are also unclear. It is unclear if the first axis of rotation the same as the arm axis of rotation of claim 1. The applicant has recited three new axis of rotation, but only recites that the first axis intersects the third axis of rotation. The longitudinal axis still meets the limitations of

these claims. The limitations of the claims do not preclude that the axis of rotation extends along a single line, such as the longitudinal axis.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/
Primary Examiner, Art Unit 3656